IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3737 of 1991

Shri Ajit Singh Daya Prakash .. Plaintiff

versus

Shri P.M. Thomas .. Defendant

...

Mr.P.N. Singh i/b Vyas & Bhalwal for the plaintiff

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 8th January 2007.

P.C.:

1. Heard learned counsel for the plaintiff. None present for the defendant when called. Though the suit has been filed more than 15 years ago and leave to defend was granted in January 1994, the defendant has not filed the written statement.

2. This is a simple money suit passed on a promissory note. In the circumstances, it would be appropriate to pass a decree under Order 8 Rule 10 of

the Code of Civil Procedure. However, the rate of interest after the filing of the suit is in the discretion of the court. I do not consider it appropriate to grant interest at 24% p.a. which is too high considering the present rates of interest. In the circumstances, I pass the following order:-

3. The suit of the plaintiff is decreed under Order 8 Rule 10 as follows :-

4. The defendant shall pay to the plaintiff a sum of Rs.74,969/- together with interest thereon at 12% p.a. from the date of the suit till payment and all costs of the suit.

D.G. KARNIK, J